

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KELVIN J. EVANS,

Petitioner,

No. CIV S-04-2051 LKK KJM P

vs.

TOM L. CAREY, et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

Because petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner's application.

In light of the complexity of the legal issues involved, the court has determined that the interests of justice require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

In accordance with the above, IT IS HEREBY ORDERED that:

1. Respondents are directed to file a response to petitioner's application within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer

1 shall be accompanied by any and all transcripts or other documents relevant to the determination
2 of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases.

3 2. Petitioner's traverse, if any, shall be filed and served within thirty days of
4 service of an answer.

5 3. If the response to petitioner's application is a motion, petitioner's opposition or
6 statement of non-opposition shall be filed and served within thirty days of service of the motion,
7 and respondents' reply, if any, shall be filed within fifteen days thereafter.

8 4. The Clerk of the Court shall serve a copy of this order together with a copy of
9 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jo Graves,
10 Senior Assistant Attorney General.

11 5. The Federal Defender is appointed to represent petitioner.

12 6. The Clerk of the Court is directed to serve a copy of petitioner's habeas corpus
13 application and a copy of this order on David Porter, Assistant Federal Defender.

14 7. Petitioner's counsel shall contact the Clerk's Office to make arrangements for
15 copies of other documents in the file.

16 DATED: May 4, 2005.

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19 UNITED STATES MAGISTRATE JUDGE
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